

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMAL ADAMS,

Plaintiff,

vs.

SHERRY BURT, WARDEN,

Defendant.

2:18-CV-13036-TGB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

This matter is before the Court on Petitioner's motion for reconsideration (ECF No. 12) concerning the Court's denial of his motion to stay the proceedings so that he could return to the state courts and exhaust additional claims concerning the prosecutor's alleged false statements at trial and the failure of trial and appellate counsel to contest the issue (ECF No. 11).

A motion for reconsideration which presents issues already ruled upon by a district court, either expressly or by reasonable implication, will not be granted. *Hence v. Smith*, 49 F.Supp.2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F.Supp. 951, 952 (E.D. Mich. 1997). Petitioner raises such issues in his motion. The Court properly denied the motion to stay the proceedings for the reasons stated in its prior order. Petitioner fails to meet his burden of showing a

palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3). Accordingly, the Court **DENIES** the motion for reconsideration (ECF No. 12).

Should Petitioner wish to have the Court dismiss the present habeas petition, which contains exhausted claims, so that he may pursue additional issues in the state courts, he may move for a non-prejudicial dismissal of this case within **30 days** of the filing date of this order. If he does not do so, the Court shall proceed on the claims contained in the pending habeas petition.

IT IS SO ORDERED.

DATED: January 10, 2020.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge